

## South Dayton Dump Meeting

5/23/14; 8:30 AM – 1 PM

Attending	USEPA - Leslie Patterson Ohio EPA - Maddie Smith, Mark Allen CH2M HILL - Brett Fishwild, Dave Boehnker
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### Initial Thoughts

**Mark** – What happens if we do and do not move forward on the new AOC?

**Leslie** – Priority for the site overall is to 1) move forward; and 2) remember that it's an alternative site, meaning it's proposed for listing to the NPL but not listed yet, so Fund money cannot be spent on it. But USEPA could explore using the NPL listing card if need to. Remember the original risk scoring may not be up to date.

**Mark** – Regarding the risk scoring for the site, the backup wells for Montgomery County should be close enough to score points for groundwater use.

**Leslie** – We will look at the risk ranking again. Is vapor in it at all? Just groundwater use?

### Roles

**Leslie** - OEPA is the partner agency, needed for its local knowledge, geology, and regulatory landscape. USEPA is the lead agency. CH2M HILL provides technical and hydrogeology support.

### Overall Schedule

**Leslie** – A Special Notice is to be issued sometime in June 2014, consisting of the letter to the PRPs establishes their liability and sets the deadline (within X number of days) for entering into the RI/FS negotiations. PRPs are assumed to be receptive because they want a revised AOC. The PRP list may change in that the current PRPs may have identified more parties. USEPA is assuming that AOC negotiations will take place over the summer of 2014, with a new AOC identified in the fall of 2014. There would then be a new list of deliverables, more so for OU2 than OU1.

### OU1 Schedule

**Leslie** – The RI/FS would be conducted through to the summer of 2016, with the Proposed Plan ready by late 2016, and the ROD in 2017. This schedule assumes a presumptive remedy is prepared after the Phase 1B/2A work and a 25- to 30-day TAT on reviews. The FS in early 2016. Is there an urgency to get a cap on the OU1 landfill?

**Mark** – Time is not the biggest driver; rather, getting it done right the first time is. Remember that originally this was a direct contact risk only to the central 30-acre area. Is this still applicable? USEPA's response at that time was that the 30-acre direct contact cover was not sufficient and that all of OU1 should be covered with a cap.

**Leslie** – PRPs do not want to pump and treat all groundwater at OU1. If they can address sources, they could reduce the overall effort to a smaller groundwater capture of contaminant plumes.

**Mark** – OEPA would be interested in PCBs being delineated better. Results were below lab quantitation limits but they were detected (i.e., between MDL and RL). High pH is needed to mobilize PCBs. The fact that they were detected in multiple monitoring wells without that high pH is a concern, especially near the river, and because of the history of transformer dumping at the site.

**Dave** – We should check the turbidity from those samples then, as a mobilizer of PCBs in lieu of high pH.

## OU2 Schedule

**Leslie** – First, the OU2 RI/FS work plan should be revised to have the full suite of deliverables in the SOW. The RI/FS will go through to spring 2017, with the Proposed Plan ready by fall 2017, and the ROD in 2017/2018.

**Mark** – What happens if the renegotiations are not successful? What happens if there is no good separation of OU1 and OU2? Is there overlap of the landfill into OU2, for example?

**Leslie** – Defining the separation is tricky because fill extends across the OU1/OU2 boundary.

**Mark** – The landfill permit itself isn't the main driver for this decision of where OU1 and OU2 split, mainly used for ARARs.

**Leslie** – but the boundary may impact what the presumptive remedy extents are.

## Overall Thoughts

**Mark** – The overall goal for the site is to define a disposal area as OU1, and contaminated media outside of that as OU2.

**Leslie** – Does the 30-day TAT for reviews work for you?

**Maddie** – Yes, even with other experts as part of the review team.

**Leslie** – This TAT then allows us to get comments back to PRPs in 45 days, which is important because all these review days add up in the overall schedule. However, it is understood that the review time also depends on the number and type of comments received.

**Mark** – The quality of the submittal affects the TAT too.

**Leslie** – this issue of the quality of the deliverable and the review process will be written into draft SOW. After review comments by USEPA, the PRPs will have reasonable time to address comments. If the document is still deficient, there are three options: 1) fix it ourselves; 2) approve the document conditionally if appropriate; 3) have the PRPs fix it again. The new SOW will also require a Response to Comments attachment be submitted with the revised deliverables to better track the review comments.

## The Site

**Leslie** – Presumptive remedies are for municipal landfills. If part of the landfill isn't municipal, then what is the driver for that area?

**Mark** – The landfill is not “closed” because there was no application or closure plan or closure process followed. Therefore, the current landfill rules apply.

**Leslie** – Historical documents seem to indicate the landfill is closed.

**Mark** – However, when the owners said they would stop taking waste, they didn't actually go through closure.

**Leslie** – As reviewed in a legal procedure today, would it pass the practicality test to say it's not “closed?”

**Mark** – The Ohio legal counsel would argue that it's closed.

**Leslie** – What about the foundry sand site – same as the rest of the disposal site? This (the foundry sand site) is also documented as unlicensed.

**Mark** – this ARAR issue should be relevant and appropriate.

## *The group then reviewed the historical aerial photos.*

**Leslie** – Does the SOW need to specify ARARs? We use potential ARARs until the Proposed Plan.

**Maddie** – Based on information in the 1968 letter and adding up the acreage on the maps, the site consists of 45 acres that include the Southern Parcels. OEPA is concerned about splitting the landfill by operable units.

**Mark** – ARARs apply to OU2, so it would not be necessary to do a risk assessment in OU2. The entire permitted landfill includes portions of OU2.

**Leslie** – Tom Nash (USEPA legal) wants to do an ARARs analysis. He needs to see specific citations.

**Mark** – We can always do a waiver where there is no waste (referring to OU2). See also the 6-page letter that OEPA sent to USEPA (the “Garland Letter”). It makes sense to dig up OU2 waste/fill and use it as fill for the OU1 cover anyway because the PRPs will need so much material to bring it to grade, which would result in digging and capping OU2 anyway.

**Leslie** – Should we just get rid of the OU1/OU2 split and/or do just do a site-wide RI/FS?

**Dave** – If we did that, would the OU2 risk sampling be unnecessary?

**Leslie** – This raises some issues, but yes, that risk sampling may then go away.

**Maddie** – OEPA’s concerns would be: 1) does the landfill permit cover OU2; 2) what ARARs apply; 3) is the landfill considered “closed”?

**Leslie** – To help USEPA and Tom Nash answer these questions and look at ARARS, we would like OEPA to provide a list of which specific citations apply, an explanation of why they apply, and what the result of that application means.

## Valley Asphalt Drums

**Mark** – Remember that when VA was trenching to install a new sewer, they found buried drums. They then made a circuitous route around that area to finish the sewer. It is likely that drums are still there.

**Leslie** – What do you propose should happen?

**Maddie** – The drums that were found contained mixed waste and the Emergency Response group addressed them. Now it’s a DERR site. It was understood that someone would go back and look for the rest of the drums that are presumed to be still buried.

**Leslie** – But even if there are still buried drums, after all this time it does not appear that any contents are mobile. Not much is showing up in nearby monitoring wells.

**Mark** – But impacts are in the groundwater. After the drums are investigated we may find that they don’t need to be removed; but regardless the drums need to be investigated and the contents tested. Even the SOW that USEPA issued says this.

**Leslie** – Where in the SOW is this stated?

**Mark** – OEPA is only asking for a drum investigation in this spot, not an investigation over the entire site.

**Brett** – So the only hot spot investigation item in question is this one spot?

**Mark** – Yes.

**Leslie** – This may be an issue OEPA and USEPA end up not agreeing on; more consideration is needed.

## Remedial Investigation

**Leslie** – How groundwater control is handled has been an issue up to now. Would combining OU1 and OU2 help resolve this issue?

**Maddie** – Combining the shallow and deep monitoring would help.

**Leslie** – What do we do with the deep groundwater then? Perform MNA and risk it out?

**Mark** – We will need a contingency if the hot spot investigation and mitigation doesn’t work. We may want to also consider a pumping system at the bottom of the waste to cut off migration of leachate from the shallow to the deep aquifer.

## Quarry Pond

**Mark** – Due to the periodic flooding, the PRPs will still need to do an ecological risk assessment of the quarry pond.

**Leslie** – The pond is in OU2, which at present requires a full RI. But if we go to a site-wide, combined OU, presumptive remedy approach, then a full RI would not be conducted.

**Mark** – An ecological risk assessment of the pond would still be needed.

**Brett** – The current PRP plan is to collect samples from the pond anyway, so maybe additional sampling to satisfy this issue can be added to a Valley Asphalt drum investigation if that ends up being completed?

**Group** – Discussion on whether the pond would be included in the presumptive remedy or not, if a site-wide approach were pursued. Is the current OU2 RI/FS work plan sampling of the pond sufficient to address these OEPA questions? Yes, in part. However, either way, the PRPs will need to delineate the extent of waste at the north end of the pond, and possibly on the east side too. And they will need to collect ecological risk samples in the pond.